

From: Village of Cazenovia Mayor

10 October 2016

Memorandum for the Record: Madison County GML Report

The Village of Cazenovia has always enjoyed a positive working relationship with the Madison County Planning Department. We have consistently found their staff to be conscientious and professional and their reports have always been constructive and helpful. I have felt that our goals and perspectives were aligned as we worked together to serve the citizens of Cazenovia and Madison County.

However, as Mayor of the Village of Cazenovia, I am compelled to object to the conclusions and much of the content of the Madison County Planning Department's GML Report transmitted on 28 September 2016. The conclusion of the report is that, "As currently proposed, this project has done little to meet the intent and requirements of the VES-MU zone and would require many improvements before it could even be considered approvable." As documented in the attachments to this letter, which reveal a broad consensus that considerable progress has been made, that statement is factually inaccurate and demonstrates a lack of objectivity in the report. The report's conclusion denigrates not only the applicant and the Planning Board but also the Village Board, Town Board, Cazenovia Advisory Conservation Commission, Cazenovia Historic Preservation/Architectural Review Committee, Applied Planning and the Village's professional staff who have spent countless hours reviewing the application over the past six months (both pre- and post-annexation) and provided valuable input to improve the project.

I also object to the apparent objective of the report. Rather than offering targeted input about significant county-wide implications and impartial recommendations for improvement, the nine page report (unprecedented in its scope and tone) criticizes nearly every aspect of the project and virtually ignores a substantial body of evidence that supports its strengths. The report also implicitly questions the competence of the Village Board and its professional staff by second-guessing its zoning, its ability to interpret its own laws and its ability to evaluate technical aspects of the application such as storm water. As written, the report is a direct attack on the sovereignty of the Village. Nearly every person familiar with GML 239m and its use in Madison County in recent years who has seen this has found the report to be an outlier whose purpose seems to be to preclude the project, not improve it.

The following are specific objections and omissions regarding the report:

- 1) It should be noted that the project in question is the "Cazenovia Market", not the "New Market" as denoted on the GML report and the applicant address is Cazenovia, not Hamilton, NY.
- 2) The application is returned as "Incomplete" despite including all necessary items as required by law. The report notes that elevations are missing from the components of the project other than Aldi. These elevations will not be available during this phase and the

applicant will return for architectural review on those elements during a later phase. The report also notes the lack of a SWPP. Inclusion of a SWPP, which is typically not produced until the site plan is finalized, has not been a requirement for past projects, including the Hampton Inn project located in the same zone which also exceeded the 15% impervious surface limit in the WPO district.

- 3) The report opens not with an objective analysis of the project and its pros and cons, but with a paragraph highlighting the “controversy” and “concern” created by the project and a lengthy narrative about our wonderful quality of life in Cazenovia. The nature of this passage points to the more emotive versus objective approach which can be detected throughout the report. There are valid constructive criticisms which can be made to improve the project, but to suggest that it is a threat to our way of life seems excessive.
- 4) The report questions one of the primary goals of the Village Comprehensive Plan and the VES-MU zone when it writes (adding its own emphasis), “IF the Village wants new development...” It is clear from every planning document written in Cazenovia over the past quarter century that economic development is a goal. This subtle editorial underlies the entire report which completely ignores the role which economic development, growth of property and sales taxes, job creation and demographic vitality play in maintaining a sustainable future for the Village and surrounding area. Economic growth is not the only goal, but it is, without question, one of the goals that must be addressed for our community.
- 5) Despite the fact that the applicant meets one of the acceptable definitions for “mixed use” as contained in the Village’s zoning, the report devotes nearly a page to criticizing the “weak” compliance of the Village’s “looser meaning.” The VES-MU zoning and Design Guidelines (DG) were purposely created to offer flexibility, especially with regard to redevelopment of the parcels in question.
- 6) The report questions the Village’s interpretation of its own code with regarding to building height. I disagree with the report’s conclusion and believe that “two (2) and three (3) stories tall” is reasonably interpreted to refer to height not useable floors. This interpretation is supported by the use of other distinct language in the code when useable floors is the intended meaning.
- 7) The report alludes to taller buildings “framing the viewshed” as described on page 22 of the DG. This reference is specific to the core area of the zone and buildings immediately adjacent to the mapped viewshed area. The errant use of this reference (repeated again on page 4) is a misapplication of the DG and is not relevant to this application.
- 8) The report devotes the bottom half of page 9 to criticizing the plan for curb cuts, a topic which the Village and NYS-DOT have spent months negotiating with the applicants to arrive at the current configuration, which is infinitely better than the existing conditions. I differ with the report’s conclusions with regard to the appropriate balance between the “ideal” and the “achievable.” Both the Village and the DOT have concluded that the curb cut design as presented is acceptable.
- 9) The plan devotes nearly two pages (4-5) to criticizing the project’s contribution to walkability within the zone. While this is an important quality and can always be improved, the report fails to note that the proposed project would add hundreds of yards of trails and sidewalks to the area and enormous enhancement to public access to an area that is now completely fallow and of no public benefit whatsoever. This section

reinforces the tone that is replicated throughout the report that an unrealized ideal is somehow preferable to an achievable, positive reality.

- 10) The report goes on to criticize the design of the linear park and walkway along Route 20 which are included exactly as called for in the VES-MU zoning and DG. It seems unfair to criticize the applicant for implementing the design as required by the Village. It is also worth noting that the linear park and walkway were drawn by a highly respected design professional with decades of professional experience.
- 11) The challenges of meeting all of the requirements of the VES-MU zoning and DG is highlighted by the alternative configurations noted on page 6 and subsequently provided by the county. Four of the five hypothetical designs provided for consideration are not compliant with the Village's zoning or intent for the area with the buildings set far back from Route 20 and extensive parking located between the buildings and the scenic byway. The designs point to the complexity of the process, which must balance not only walkability, but multiple other factors including economic viability.
- 12) The report questions the Village's design and interpretation of its own zoning with regard to allowed uses within the VES-MU zone and Wellhead Projection Overlay Zone. It specifically questions the Village's intentions when it clarified the language for drive-in uses within the VES-MU zone in February 2016. The inclusion of drive-in uses was reviewed extensively during the two year Economic Health and Heritage Committee process from 2012-2014. The outcome of that process in 2014 was that drive-in uses would be permitted if they did not exceed the threshold for high intensity uses as defined in the local law. The local law change in February 2016 was only to clarify the language for drive-in uses so that it matched the language used in other zones to prevent any future legal ambiguity. It was not a change of intent for the VES-MU zone which was previously established during a lengthy public process.
- 13) Planners or citizens may hold whatever opinion they wish with regard to drive-in uses. The reality is that they have become a common and even expected feature for many drug store users, particularly senior citizens, persons with disabilities and parents with small children. There are currently no drug stores offering this option in the Cazenovia market, which may contribute to retail leakage from our area and lost sales tax revenue. The decision of the Village to allow this use was carefully considered and will not significantly alter the exceptionally walkable nature of our community.
- 14) The report devotes nearly a page (7-8) to an analysis and critique of the project with regard to the Village's rules for high intensity uses and the impervious surface thresholds. The report opines, "This office cannot see how this development... would be allowed within the strict guidelines of the WPO." The Village Attorney and Village Engineer have reviewed these criteria extensively and come to the opposite conclusion. The Village Engineer's opinion is contained in attachments to this letter. If the project did not have the potential to meet the technical criteria for these fundamental issues, the Village would have been remiss in allowing the project to advance beyond its initial exploratory phases prior to annexation.
- 15) The report criticizes the application for its failure to follow the "fundamentals of the design guidelines." It makes no effort to address the fact that the professional planner who wrote the DG (hired to independently evaluate the application) found them to be largely compliant and notes that the "applicant has made significant progress toward

meeting the intent and specific requirements of the Design Guidelines” with revisions that were made subsequent to his initial review. That is far different than the GML report’s conclusion that the applicant has “done little to meet the intent and requirements...”

- 16) The report calls for a SWPP as part of its review. I am not aware of this being a requirement for any previous GML review including the Hampton Inn project in the same zone.
- 17) The report rightly notes that the opportunity to develop this part of the Village was made intentionally challenging with zoning and criteria to strive for high standards. It fails to acknowledge that the Village also intentionally made the criteria flexible in order for the goals to be achievable. The committee that spent two years studying this zone and its potential was named the “Economic Health and Heritage Committee.” The report, as written, rightly identifies criteria which are important to the Village, such as walkability. But it fails to acknowledge that economic health and demographic vitality are also important goals for Cazenovia. The report applies a rigid and idealistic standard that could jeopardize the ability of the Village to ever redevelop this blighted area of the community.
- 18) The following attachments are provided which support the observations made in this letter that the GML report is not objective or accurate in its conclusions:
 - A. Resolution approved 5-0 by the Village Board making findings in support of a negative SEQOR declaration prior to annexation which reviewed many of the same issues raised in the GML report.
 - B. Letter from the Village Engineer describing his analysis of the storm water plans to date.
 - C. Letter from Former Planning Board Chairman and EHH Committee Member William Hall noting the exceptional nature of this GML report.
 - D. Initial and follow-on report from Applied Planning, author of the Design Guidelines.
 - E. Final report from the Cazenovia Advisory Conservation Commission.
 - F. My letter as the former Chairman of the EHH committee noting the overall congruity of the project with the broad goals of the zone.

This project has been carefully reviewed by many dedicated and highly qualified people over the past several months. There is a spectrum of opinions about the project overall, but nearly all agree that significant progress has been made and our Planning Board has continued to pursue improvements with the cooperation of the applicants. The GML report which concludes that the project has “done little” to meet our criteria is clearly an outlier and inconsistent with the County Planning Department’s standards of fairness, accuracy and objectivity I have always appreciated in the past.

Sincerely,



Kurt Wheeler

Village of Cazenovia Mayor

Former Chairman of the EHH Committee

**RESOLUTION NO. ____
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF CAZENOVIA**

**RESOLUTION MAKING A DETERMINATION OF ENVIRONMENTAL
NONSIGNIFICANCE UNDER THE NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, a petition for the annexation to the Village of Cazenovia of certain lands located in the Town of Cazenovia and owned by New Venture Assets, LLC has been duly filed with the Village of Cazenovia; and

WHEREAS, said lands proposed for annexation are generally described as approximately 10.7 acres of uninhabited lands owned entirely by New Venture Assets, LLC adjoining the easterly boundary of the Village of Cazenovia and located along the southerly side of NYS Route 20, known as tax map parcel nos. 95.3-2-19 and 95.3-2-20, as more fully described in said petition; and

WHEREAS, New Venture Assets, LLC, together with Sphere Acquisitions, seeks annexation of the subject premises to facilitate the redevelopment of these parcels for a mixed use development to include a drive-thru pharmacy use, a retail food store use, a drive-thru bank use and a residential town home apartment use (the "Project"); and

WHEREAS, the Board of Trustees of the Village of Cazenovia and the Town Board of the Town of Cazenovia held a joint public hearing pursuant to Section 705 of the General Municipal Law concerning the petition on May 9, 2016, which public hearing was continued to and re-opened, and then closed on May 25, 2016; and

WHEREAS, the Board of Trustees desires to comply with the requirements of the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations") with respect to its consideration of the Project; and

WHEREAS, at the joint public hearing on May 9, 2016, the Board of Trustees of the Village of Cazenovia indicated its intent to act as lead agency for purposes of conducting a coordinated review of the entire Project in compliance with SEQRA as it applies to this action; and

WHEREAS, in addition to the Board of Trustees, other involved agencies in regard to the Project include the Town Board of the Town of Cazenovia, the Village of Cazenovia Planning Board, and the New York State Department of Transportation; and

WHEREAS, each of the aforementioned involved agencies consented to the designation of the Village Board of Trustees as lead agency for purposes of undertaking a coordinated review of the entire Project pursuant to SEQRA; and

WHEREAS, the Board of Trustees has considered the proposed annexation and the subsequent zoning and redevelopment of the subject premises proposed by the Applicants as a single action for purposes of its SEQRA review; and

WHEREAS, the Applicants submitted a revised full environmental assessment form dated May 9, 2016 that provided information with respect to the entire Project; and

WHEREAS, in addition to the full environmental assessment form and its presentations, the Applicants submitted the following additional reports and correspondence for consideration in connection with the SEQRA review:

- Traffic Impact Study dated April 2016 and revised June 2016 prepared by GTS Consulting;
- Phase IA and IB (Phase I) Cultural Resource Investigations for the Proposed Cazenovia Retail Development Project (Aldi site) dated April 8 2016 prepared by Powers Archaeology, LLC;
- Phase IA and IB (Phase I) Cultural Resource Investigations for the Proposed Cazenovia Retail Development Project (bank/multi-family apartment site) dated May 6, 2016 prepared by Powers Archaeology, LLC;
- Aquifer Report dated June 2016 prepared by Napierala Consulting;
- Correspondence from Bill Carr, Public Works Administrator/Code Enforcement Officer dated March 31, 2016 concerning adequacy of public water capacity;
- E-mail correspondence from Jim Cunningham, Manager, Madison County Sewer District, undated, regarding available sewer capacity; and
- E-mail correspondence from John Dunkle, Village Engineer, dated June 1, 2016 and June 20, 2016, regarding feasibility of managing stormwater runoff and providing for aquifer recharge, as well as general comments regarding potential environmental impacts.

WHEREAS, the Board of Trustees has received extensive comments from the public concerning the entire Project; and

WHEREAS, the Applicants made presentations to the Board of Trustees on May 9, 2016, May 25, 2016 and June 6, 2016; and

WHEREAS, the Board of Trustees has thoroughly reviewed the information provided in Part I of the EAF, as well as the other reports and correspondence submitted to the Board, and

WHEREAS, the Board of Trustees has given consideration to all of the testimony that was given during the public hearings and at other meetings during which the Project was considered and to each of the presentations made by the Applicants, and

WHEREAS, the Board of Trustees is mindful of the criteria set forth in Section 617.7 of the SEQRA regulations for determining the environmental significance of an action, and

WHEREAS, pursuant to the Regulations, the Board of Trustees has considered the significance of the potential environmental impacts of the Project by (1) using the criteria specified in Section 617.7(c) of the Regulations, and (2) examining the FEAF for the Action, including the facts and conclusions in Part 1 of the EAF, and completing the analyses for Parts 2 and 3 of the FEAF, together with examining other available supporting information, to identify the relevant areas of environmental concern, and (3) thoroughly analyzing the identified areas of relevant environmental concern to assess whether the Project will not, or may, result in a significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED, as follows:

- (a) The Project is subject to SEQRA; and
- (b) The other involved agencies with respect to the Project include the Town Board of the Town of Cazenovia, the Village of Cazenovia Planning Board, and the New York State Department of Transportation; and
- (c) The Action is an Unlisted action; and
- (d) The Board of Trustees for the Village of Cazenovia has duly acted as lead agency for purposes of undertaking a coordinated review with respect to the Project; and
- (e) In making its determination of significance, the Board of Trustees examined all the criteria set forth in Section 617.7 of the Regulations, and evaluated the issues of causation and significance in light of the standards set forth in 617.7; and
- (f) The Board of Trustees hereby accepts, approves, and adopts the completed FEAF Part 1, Part 2, and Part 3 as attached hereto, and also adopts the findings set forth in **Attachment A** hereto; and
- (g) The reasoning supporting the Board of Trustees' findings and determination of significance for the Action is more fully set forth in Attachment A to this Resolution, which Attachment A also contains the completed FEAF Part 1, Part 2, and Part 3, which Attachment A, including all parts and components thereof, are fully incorporated herein by reference and are hereby approved and adopted in form and in substance as set forth in Attachment A.
- (h) With respect to the criteria in Section 617.7(c) of the Regulations as applied to the Project, the Town Board finds as follows:
 - a. Whether a substantial adverse change would occur in existing:**
 - i. Air quality:** There will be no process emissions from the Project. The Project may use HVAC equipment that could be a minor source of air emissions. Any emissions associated with this equipment will comply with all federal and state regulatory

requirements and will not require any state or federal air permit registration. Construction activities may result in some fugitive dust, but will be minimized by best management practices included as part of the SWPPP. There will be no impact on air quality associated with vehicular emissions because the Project site is not located in a non-attainment area for National Ambient Air Quality Standards, there are no sensitive receptors nearby, and the Project will not result in unacceptable vehicular traffic operation levels of service.

- ii. **Ground or surface water quality or quantity:** There will be small impacts associated with stormwater runoff (turbidity, siltation, water quality degradation). However, surface water will not be adversely affected because the Project includes an erosion and sediment control plan and permanent stormwater control measures that were designed and implemented in accordance with regulatory requirements. Implementation of the Storm Water Pollution Prevention Plan ("SWPPP") approved by the New York State Department of Environmental Conservation ("NYSDEC"), will avoid degradation of surface water resources that could be caused by turbidity, siltation, or other pollutants by treating stormwater quality and controlling stormwater quantity (flow) prior to its discharge off-site.

The Property is located over an identified aquifer. However, the Project must comply with the green space requirements in the Village's Zoning Design Guidelines for the VES-MU district. In addition, none of the uses proposed will generate traffic over the 1,000 trip threshold set forth in the Village's wellhead protection regulations. The Project also provides permanent stormwater control measures that have been designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved. In email correspondence from John Dunkle, Village Engineer, dated June 1, 2016, it is noted that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements.

- iii. **Traffic:** The Project developers are engaged in conversations with the New York State Department of Transportation and as a result, have, to date, eliminated one curb cut at DOT's request. As indicated in the Traffic Impact Study ("TIS"):

- (1) the redevelopment Project will maintain an acceptable Level of Service. Presently, all traffic movements studied

operate at a Level of Service C or better during both am and pm peak hours. Following full build-out of the redevelopment project, and accounting for adequate background traffic growth, all traffic movements are predicted to operate at a Level of Service D or better, which is an acceptable Level of Service according to the Highway Capacity Manual.

(2) There are over four times the number gaps needed for each traffic movement into and out of the site driveways during the peak hours on Route 20. These gaps in traffic are more than sufficient to accommodate the projected traffic accessing the site.

(3) There are adequate sight distances available in both directions on Route 20 at the proposed driveway locations. There are no concerns with sight distances associated with safety for ingress and egress from the proposed site driveways.

(4) There are no High Accident Locations (HAL's) within 0.1 miles of the site. A crash analysis was performed per Highway Design Manual Chapter 5 which shows that all intersections and the Route 20 corridor within the study area have existing accident rates below the statewide average for similar facilities.

iv. **Noise levels:** There will be no significant adverse impact with respect to noise. Any noise associated with construction will be temporary in nature, limited to daytime hours, and not located in close proximity to residential areas. Likewise, noise produced by the operation of the Project is expected to be consistent with existing ambient noise levels at and around the Property.

b. **Whether a substantial increase in solid waste production would occur:** The Project is expected to generate .5 ton of solid waste per month that will be transported to the Madison County Landfill, which has sufficient capacity to handle the waste. The Applicant also plans to implement reuse and recycling initiatives.

c. **Whether a substantial increase in potential for erosion, flooding, leaching or drainage problems would occur:** There are no anticipated impacts with respect to erosion, flooding, leaching or drainage. The Applicant will be implementing a NYSDEC approved SWPPP that includes erosion and sediment control features that will be designed to comply with regulatory requirements. The Project is not located in a

floodplain and is not modifying existing off-site drainage patterns. Implementation of the SWPPP approved by the NYSDEC will treat stormwater quality and control stormwater quantity (flow) prior to its discharge off-site.

- d. **Whether the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources would occur:** The Project will not result in a significant adverse impact on plant and animal species. According to State mapping resources and databases, no threatened or endangered species are known to exist at the site, nor are there any critical habitats or refuges on the Property. Indeed, a large portion of the Property was previously developed and contains several unused and dilapidated commercial buildings. The Project also has been designed to maintain the existing conservation land on the Property thereby preserving the area which potentially could be used by common suburban wildlife such as squirrels and deer.
- e. **Whether the impairment of the environmental characteristics of a critical environmental area (CEAs) as designated pursuant to 6 NYCRR § 617.14(g) would occur:** The Site is located within a CEA designated for the Cazenovia Village Well Head. This CEA is protected by regulations set forth in the Wellhead Protection Overlay District that are found in the Village Zoning Code.

However, the Project is a redevelopment project intended to comply with the green space requirements in the zoning design guidelines. According to the TIS, none of the proposed uses will generate traffic over the 1,000 trip threshold provided in the Village's wellhead protection regulations. The Project also will provide permanent stormwater control measures that will be designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved and that the requirements of the Wellhead Protection Plan have been satisfied. Pre-treatment units will include a baffle system typically found in the design of fueling stations to collect fuel and oil spills. This level of design has been considered to specifically protect the aquifer.

The Village Engineer has reviewed the conceptual stormwater management design and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements. Thus, the Board concludes that the

Project will not impair the CEA.

f. **Whether a creation of a material conflict with a community's current plans or goals as officially approved or adopted would occur:**

Successive versions of the Village's Comprehensive Plan have recommended annexation and redevelopment of the Property since 1991. Amendments to the Village Comprehensive Plan in 2013 provided that the Property is "*currently in the Town of Cazenovia, but Village zoning for VES should be developed to include [it] given[its] identification as candidates for annexation dating back to at least the 1991 Village Comprehensive Plan.*"

Under the Village Zoning Code, upon annexation, the Property will "automatically be classified and zoned as the same zoning district as the lands previously within the Village sharing a common boundary with the newly annexed lands". See Village Zoning Code § 180-13. As a result, the Property would be zoned VES-MU upon annexation. "*For a VES Zone, Mixed Use can be within the same building or in two separate buildings on the same site. Mixed Use may also be accomplished by providing for a complementary use on a separate parcel but within the VES Mixed Use Zone.*" Village Zoning Code, §180-9. The Design Guidelines have corresponding language:

"Mixed use can take many forms. . . . Mixed uses can be vertically integrated, such as a traditional residential over commercial, but may also be two distinct buildings and projects. The intent is to allow flexibility and creativity on the part of the developer rather than restrictive concepts that may actually discourage mixed use development."

Village Edge South Design Guidelines, pp. 11-12 (Feb. 3, 2014). The Project is proposing a mixed use redevelopment of the Property to include commercial uses on NYS Route 20 and multi-family residential uses set back off the highway. This is consistent with the Village Zoning Code and Design Guidelines.

In addition, with respect to redevelopment of the Property recommended for annexation, the 2013 Amendments noted

"Development within the VES zone should be driven by a conservation analysis of the site with emphasis on preserving elements previously identified as community priorities, including viewshed to the southwest, maximizing greenspace while allowing economic development, promoting a "hard edge" that is also a welcoming gateway to the village and allowing recharge for the aquifer consistent with Appendix B (Wellhead Protection Plan)."

Similar language is found in the Village Zoning Code and the Design Guidelines.

The proposed redevelopment Project is consistent with the overall purpose of the VES-MU zone. The Project is intended to provide the hard “gateway” between the Village and the Town envisioned in the Comprehensive Plan and Design Guidelines. The Project design also preserves the conservation area, has been designed to be protective of the aquifer and promotes economic growth that is compatible with the Village character. The Project design promotes interconnectivity for vehicles and pedestrians, designed landscaping, a build-to-line and buildings that face the street.

g. **Whether the impairment of the character or quality of important historical, archeological, architectural, aesthetic resources, or of existing community or neighborhood character would occur:**

According to the Phase 1A and 1B Cultural Resource Investigation, the potential existed for prehistoric Native American deposits to be located on the Property. However, the portion of the Property located adjacent to Route 20 was previously altered, graded and covered with gravel and asphalt, thereby reducing the probability for intact cultural deposits. Nevertheless, Powers Archaeology, LLC performed shovel pit tests throughout the Property and no cultural resources were identified. As a result, Powers Archaeology opined that no further archaeological work was warranted and that redevelopment should be allowed to proceed.

In addition, several man-made features including a motel, a café and associated outbuildings and parking areas are still extant on the Property. As noted in the Powers Archaeology report, none of these buildings exhibit any exceptional architectural features. As a result, demolition of these run-down structures will not impair any important historical, architectural, aesthetic resources or existing community character. Rather the Project will remove dilapidated structures and redevelop a blighted area.

h. **Whether a major change in the use of either the quantity or type of energy would occur:** The electrical demand for the Project is approximately 2,000 kWh per day to be supplied by an existing public utility. Since the Project is a redevelopment project, service is already provided to the site, but will require minor modifications and upgrades on the site.

i. **Whether the creation of a hazard to human health would occur:** The Board concludes that the Project would not impact human health. There is no history of reported spills or remedial actions at the Site and the Phase I Environmental Site Assessment concluded there were no on-site, off-site,

or historical recognized environmental conditions. Any asbestos-containing material in the existing structures will be managed in accordance with applicable regulatory requirements.

- j. Whether a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses would occur:** The Property is not presently used for green or open space or for agricultural uses. Rather, the Property was previously disturbed and was formerly used for commercial purposes. In fact, several unused and dilapidated structures associated with those former commercial uses remain on the Property. The redevelopment of the Property will actually increase opportunities for recreational use by creating sidewalks and trails that will allow for walking, hiking and biking, including a connection to the NCT Link Trail that also leads to the Art Park.
- k. Whether the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action, would occur:** The Project is a redevelopment project that includes both commercial and residential components. The commercial uses are retail uses that will result in only short-term trips to the Property. Although, people would be residing in the residential units on a long-term basis, the number of units will not result in a large amount of people. In addition, the Board views development that could result in an increase in the Village's population and, likewise, an increase in the Cazenovia School District's enrollment as a beneficial impact.
- l. Whether the creation of a material demand for other actions that would result in one of the above consequences would occur:** The redevelopment Project is intended to be constructed in accordance with the Comprehensive Plan and the VES Design Guidelines that provide a plan for the future build out of the Village's southern edge. This Project is just one part of that plan and provides for potential future connections to other developments envisioned by the VES Design Guidelines. Nevertheless, the Project is an independent, stand-alone redevelopment and will not create a material demand for other actions that would result in one of the above consequences.
- m. Whether changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment, would occur:** The potential impacts associated with the Project will not collectively or in combination result in any significant adverse impact on the environment.

n. **Whether two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7, would occur:** The redevelopment Project design is subject to the regulations of the VES-MU zoning district and the VES Design Guidelines that provide a plan for the future build out of the Village's southern edge. This Project is just one part of that plan and provides for potential future connections to other developments envisioned by the VES Design Guidelines. Nevertheless, the Project is an independent, stand-alone redevelopment project and there are no other plans for development of the remaining VES area at this time. Accordingly, there are no reasonably related long-term, short-term, direct, indirect or cumulative impacts associated with the redevelopment Project.

- (i) The information available concerning the proposed annexation is sufficient for the Board of Trustees to make its determination as set forth herein. The Board of Trustees has not identified any significant adverse environmental impacts associated with the annexation, and none are known to the Board of Trustees. Therefore, for the reasons identified above and in **Attachment A**, the Board of Trustees hereby determines that the Project will not have any significant adverse environmental impacts and hereby issues a Negative Declaration under SEQRA, indicating that the Board of Trustees will not require preparation of an environmental impact statement with respect to the annexation; and
- (j) As a consequence of the foregoing, the Mayor is directed to execute Part 3 of the FEAF, and to make any filing(s) and publication required by law of this Negative Declaration; and
- (k) The Board of Trustees hereby directs that all SEQRA documents and notices, including but not limited to the FEAF and Negative Declaration, are to be maintained in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.
- (l) This resolution shall take effect immediately.

June 20, 2016

Attachment A

STATE ENVIRONMENTAL QUALITY REVIEW ACT FULL ENVIRONMENTAL ASSESSMENT FORM – PART 3

Reasons Supporting the Determination of Significance

Description of Proposed Action

New Venture Assets, LLC, together with Sphere Acquisitions, (collectively, the “Applicants”) have submitted a petition for the annexation to the Village of Cazenovia of certain lands located in the Town of Cazenovia and owned entirely by New Venture Assets, LLC. The land proposed for annexation is approximately 10.7 acres of uninhabited land adjoining the easterly boundary of the Village of Cazenovia and located along the southerly side of NYS Route 20, referred to as tax map parcel nos: 95.3-2-19 and 95.3-2-20 (the “Property”).

The Property was previously the site of a former motel, inn and café. Structures associated with these prior uses remain and are generally dilapidated creating an eyesore on the eastern boundary between the Village and the Town. The Applicants seek annexation of the Property to facilitate its redevelopment for a mixed use development to include a drive-thru pharmacy use, a retail food store use, a drive-thru bank use, an additional retail use adjacent to the bank use, and a residential town home apartment use (the “Project”).

Specifically, the Project will remove all existing developments and significantly reduce the number and width of existing curb cuts onto NYS Route 20. The Project is proposed to result in the redevelopment of the Property for commercial and residential uses, to include: (1) a 18,134± SF Aldi’s Food Store; (2) potential future development of a 14,536± SF pharmacy with drive through operations; (3) potential future development of a 2,500± SF bank with drive through operations; (4) potential future development of 2,500± SF of additional retail space; and (5) 32 multi-family apartment units in four buildings located toward the rear of the Property. Access to the full build development is proposed to be provided via a right in only driveway to the pharmacy at the western edge of the site, a full access driveway between the shared parking field proposed for the pharmacy and Aldi’s 225± feet to the east, and a full access stub road which will provide cross access to the developments 250± feet further to the east. The Property also is proposed to be re-subdivided into three lots to facilitate the redevelopment Project.

Part 3 Analysis

SEQRA requires that each impact in Part 2 that the Board of Trustees identified as moderate to large, further analysis must be undertaken in Part 3 to determine whether significant and adverse impacts may result from the Project. This includes consideration of the magnitude, duration of impact, likelihood of the impact and importance of the impact in the context of the community.

- Magnitude assesses factors such as severity, size or extent of an impact. Magnitude is conveyed as moderate to large. Moderate impacts tend to be more localized. Large impacts tend to be broader and of regional concern.

- Duration looks at how long the impact will occur. Duration is assessed as short-term, medium-term, long-term or irreversible.
- Likelihood measures the probability of an impact occurring. Likelihood involves determining whether the impact is unlikely to occur, will possibly occur or will probably occur.
- Importance relates to how people or resources will be qualitatively impacted in the context of the status quo conditions in the community and the environment. Importance is more subjective and is based on a consideration of the magnitude, duration, likelihood, environmental setting and on the scale and context of the project, the site and the community.

However, for purposes of completeness, the Board of Trustees has provided its analysis with respect to each of the potential impacts analyzed in Part 2.

1. Impacts on Land: "Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site."

The Project will result in the physical alteration of land. This question asks the reviewing agency to evaluate the potential impacts of any physical alteration of the land. This would include grading, clearing, filling, excavation, and construction of any structure on the land. The Project involves the redevelopment of land, which would include physical alteration of land. Specifically, the proposed action may involve construction that continues for more than one year or in multiple phases. In addition, the proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. However, the Board of Trustees concludes that the Project will not impact the land because the Applicant is implementing a Storm Water Pollution Prevention Plan that will include an erosion and sediment control plan and best management practices for construction in phases. Compliance with the SWPPP will minimize or avoid any potential impacts on land. Finally, construction activity is of limited duration and the land will be restored and improved, leaving no lasting adverse impact.

2. Impact on Geological Features: "The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves)."

This question asks the reviewing agency to evaluate potential impacts to unique or unusual landforms, and National Natural Landmarks. The Village may contain unique or unusual landforms, however, the SEQRA Workbook states that no impact will result if the Action will not directly modify or inhibit access to a unique or unusual landform.

The Board of Trustees concludes that the Project will not impact geological features because there are no unique or unusual landforms on the Property and the Project will not directly modify or inhibit access to a unique or unusual landform.

3. *Impact on Surface Water: "The proposed action may affect one or more wetlands or other surface waterbodies (e.g., streams, rivers, ponds or lakes)."*

This question asks the reviewing agency to evaluate the potential impacts to any wetland or other surface waterbody including streams, rivers, ponds, and lakes. The Workbook states that impacts on surface water may occur as a result of activities that disturb the land such as removing vegetation; increasing or decreasing the size of a waterbody; creating new water bodies; and grading, clearing, filling, or excavating within or adjoining a waterbody. It also includes activities that would cause erosion, withdraw water, discharge wastes into the waterbody, or degrade water quality. Here, the proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. The proposed action also may affect the water quality of any water bodies within or downstream of the site of the proposed action

The Board of Trustees concludes that the Project will not impact surface water because implementation of the Storm Water Pollution Prevention Plan ("SWPPP") approved by the New York State Department of Environmental Conservation ("NYSDEC"), will avoid degradation of surface water resources that could be caused by siltation or other pollutants by treating stormwater quality and controlling stormwater quantity (flow) prior to its discharge off-site. In addition, surface water will not be adversely affected because the Project will include an erosion and sediment control plan and permanent stormwater control measures designed and implemented in accordance with state regulatory requirements. Finally, the Applicants have minimized the potential impact of the stream crossing by relocating the bridge to the narrowest part of the conservation area.

4. *Impact on Groundwater: "The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer."*

This question asks the reviewing agency to evaluate potential impacts on the use of, and contamination of, groundwater resources. The Workbook states that impacts may occur when an action causes excavation, mining, a new demand for water, impacts to water sources, the generation of liquid waste, bulk storage of petroleum, the use of pesticides or the generation of hazardous wastes. The Property is located over an aquifer.

Nevertheless, the Board of Trustees concludes that the Project will not impact groundwater because the Project is maintaining the 50% of green space required by the design guidelines. In addition, none of the Project components will generate traffic over the 1,000 trip threshold indicated under the Village's wellhead protection regulations. The Project also provides permanent stormwater control measures that have been designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved. The Town Engineer reviewed the conceptual design and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements.

5. *Impact on Flooding: "The proposed action may result in development on lands subject to flooding."*

The Project will not result in the development of lands subject to flooding. Floodplains are low-lying lands next to rivers and streams. When left in a natural state, floodplain systems store and dissipate floods without adverse impacts on humans, buildings, roads and other infrastructure. The Board of Trustees concludes that the Project will not impact flooding because the property is not in an area subject to flooding and implementation of the Storm Water Pollution Prevention Plan ("SWPPP") approved by the New York State Department of Environmental Conservation ("NYSDEC"), will control stormwater quantity (flow) prior to its discharge off-site.

6. *Impacts on Air: "The proposed action may include a state regulated air emission source."*

The Project will not result in the creation of new a state regulated air emission source. The Board of Trustees concludes that the Amendments will not impact air because There will be no process emissions from the Project. The Project may use HVAC equipment that could be a minor source of air emissions. Any emissions associated with this equipment will comply with all federal and state regulatory requirements and will not require any state or federal air permit registration. Construction activities may result in some fugitive dust, which will be minimized by best management practices included as part of the SWPPP. There will be no impact on air quality associated with vehicular emissions because the Project site is not located in a non-attainment area for National Ambient Air Quality Standards, there are no sensitive receptors nearby, and the Project will not result in unacceptable vehicular transportation levels of service.

7. *Impacts on Plants and Animals: "The proposed action may result in a loss of flora or fauna."*

This question asks the reviewing agency to evaluate potential impacts to plants and animals. The Workbook states that unless an action has no land disturbances, or if it redevelops a location that has already been cleared, some vegetation (flora) will likely be removed. This removal represents a loss of both plants and the habitats it provides. Once habitats are lost, then there is likely to be a loss of fauna as well. As habitats are lost, animals could die due to lack of food or cover, or may move to other locations, if available.

The Board of Trustees concludes that the Project will not impact plants and animals because according to State mapping resources and databases, no threatened or endangered species are known to exist at the site, nor are there any critical habitats or refuges on the Property. Indeed, a large portion of the Property was previously developed and contains several unused and dilapidated commercial buildings. The Project also has been designed to maintain the existing designated conservation land on the Property thereby preserving the area which potentially could be used by common suburban wildlife such as squirrels and deer.

8. *Impacts on Agricultural Resources: "The proposed action may impact agricultural resources."*

This question asks the reviewing agency to evaluate potential impacts on agriculture. Agricultural resources refers to productive soil, the land and on-farm buildings, equipment, manure processing and handling facilities and processing and handling facilities which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, a timber operation, compost, mulch or other biomass crops, and commercial equine operation as defined in Article 25-aa. Though the Village contains very few agricultural resources, agricultural resources are present in the adjacent Town of Cazenovia. The Board of Trustees concludes that the Project will not impact agricultural resources because there are no agricultural resources on the Property.

9. *Impact on Aesthetic Resources: "The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource."*

This question explores consistency in land use between the proposed project and other land uses that may be seen from or part of a scenic or aesthetic resource. The Workbook states that this question is oriented to those scenic and aesthetic resources that are officially designated and publicly accessible. Officially designated scenic areas include scenic byways, scenic roads, scenic areas of statewide significance, scenic trails, and scenic rivers. Other designated areas may also include places or sites listed on the National or State Registers of Historic Places, State Parks, State Forest Preserve areas, State Game Refuges, National Natural Landmarks, and National Park Service Lands.

The Board of Trustees concludes that the Project will not impact aesthetic resources. Route 20 is a New York State designated scenic byway. The viewshed to the southwest of the site from Route 20 is a locally designated scenic viewshed. The Design Guidelines contain recommendations to preserve this viewshed. Based on the site plan included in the Design Guidelines, the proposed redevelopment Project is not located within the viewshed protection area. Moreover, given the location and height of the proposed structures, the redevelopment Project will not impact the scenic viewshed.

10. *Impact on Historic and Archeological Resources: "The proposed action may occur in or adjacent to a historic or archaeological resource."*

The Board of Trustees concludes that the Project will not impact a historic or archeological resource because According to the Phase 1A and 1B Cultural Resource Investigation, the potential existed for prehistoric Native American deposits to be located on the Property. However, the portion of the Property located adjacent to Route 20 was previously altered, graded and covered with gravel and asphalt, thereby reducing the probability for intact cultural deposits. Nevertheless, Powers Archaeology, LLC performed shovel pit tests throughout the Property and no cultural resources were identified. As a result, Powers Archaeology opined that no further archaeological work was warranted and that redevelopment should be allowed to proceed.

In addition, several man-made features, including a motel, a café and associated outbuildings and parking areas, are still extant on the Property. According to the Powers Archaeology Report,

none of these buildings exhibit any exceptional architectural features. Therefore, demolition of these run-down structures will not impair any important historical, architectural, aesthetic resources or existing community character. Rather the Project will remove dilapidated structures and redevelop a blighted area.

11. Impact on Open Space and Recreation: "The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan."

The Project will not directly result in the loss of any recreational opportunities for residents or the destruction of open space. The Workbook states that an impact may occur when a location is converted from undeveloped land to residential, commercial, or industrial uses, there is at least some loss of open spaces that are or could be used for outdoor recreation. The Board of Trustees concludes that the Project will not impact open space and recreation because the Property is not presently used for green or open space or for agricultural uses. Rather, the Property was previously disturbed and was formerly used for commercial purposes. In fact, several unused and dilapidated structures associated with those former commercial uses remain on the Property. The redevelopment of the Property will actually increase opportunities for recreational use by creating sidewalks and trails that will allow for walking, hiking and biking, including a connection to the NCT Link Trail that leads to the Art Park.

12. Impact on Critical Environmental Areas: "The proposed action may be located within or adjacent to a critical environmental area (CEA)."

The Site is located within a CEA designated for the Cazenovia Village wellhead. This CEA is protected by regulations set forth in the Wellhead Protection Overlay District that are found in the Village Zoning Code. In accordance with the Wellhead Protection Overlay District, none of the Project components will generate traffic over the stated 1,000 trip per day threshold. The Project also will provide permanent stormwater control measures that will be designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved and that the requirements of the Wellhead Protection Plan have been satisfied. The Village Engineer reviewed the conceptual design and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements. Therefore, the Board of Trustees concludes that the Project will not impact a critical environmental area.

13. Impact on Transportation: "The proposed action may result in a change to existing transportation systems."

New development can generate or change traffic, or create a new demand for public transportation. Several potential adverse impacts can result when traffic levels increase in a community. More traffic can lead to congestion, which in turn may have economic, environmental and safety impacts.

The Board of Trustees concludes that the Project will not impact transportation because, as indicated in the Traffic Impact Study ("TIS"), vehicular traffic after the redevelopment Project will maintain an acceptable Level of Service. Presently, all traffic movements studied operate at a Level of Service C or better during both am and pm peak hours. Following full build-out of the redevelopment project, and accounting for adequate background traffic growth, all traffic movements are anticipated to operate at a Level of Service D or better, which is still an acceptable Level of Service according to the Highway Capacity Manual.

In addition, the TIS concluded that there are over four times the number gaps needed for each traffic movement into and out of the site driveways during the peak hours on Route 20. These gaps in traffic are more than sufficient to accommodate the projected traffic accessing the site. According to the TIS, there are also adequate sight distances available in both directions on Route 20 at the proposed driveway locations. There are no concerns with sight distances associated with safety for ingress and egress from the proposed site driveways. Finally, there are no High Accident Locations (HAL's) within 0.1 miles of the site. A crash analysis was performed per Highway Design Manual Chapter 5 which shows that all intersections and the Route 20 corridor within the study area have existing accident rates below the statewide average for similar facilities.

14. Impact on Energy: "The proposed action may cause an increase in the use of any form of energy."

An increase in energy use means a need for more energy production either on-site or off-site, which in turn will mean an increase in pollution. The Workbook provides examples of actions that do not increase energy use, including: the adoption or amendment of a local law, ordinance, or regulation; or the granting of a zoning change, or allowable uses in a zoning law."

The Board of Trustees concludes that the Project will not impact energy because the electrical demand for the Project is approximately 2,000 kWh per day to be supplied by an existing public utility. Since the Project is a redevelopment project, service is already provided to the site, but will require minor modifications and upgrades on the site.

15. Impact on Noise, Odor, and Light: "The proposed action may result in an increase in noise, odors, or outdoor lighting."

This question explores whether the proposed project will increase noise, air conditions, or lighting levels. There will be no impact with respect to noise. Any noise associated with construction will be temporary in nature, limited to daytime hours, and not located in close proximity to residential areas. Likewise, noise produced by the operation of the Project is expected to be consistent with existing ambient noise levels at and around the Property. There will be no impact with respect to light. Lights will be dark-sky compliant LED fixtures and will be directed downward and properly shielded to prevent spillage at the property line. The Project is not anticipated to create any odors. Accordingly, the Board of Trustees concludes that the Project will not cause a significant adverse impact with respect to noise, odor or lighting.

16. *Impact on Human Health: "The proposed action may have an impact on human health from exposure to new or existing sources of contaminants."*

This question asks the reviewing agency to evaluate the potential impacts from exposure to any solid or hazardous substances and contaminants. These substances can be toxic, infectious, inflammable, or corrosive. The Board of Trustees concludes that the Project will not impact human health because there is no identified potential for exposure to hazardous substances or contaminants.

17. *Consistency with Community Plans: "The proposed action is not consistent with adopted land use plans."*

The Board of Trustees concludes that the Project will not impact community plans because three successive versions of the Village's Comprehensive Plan have recommended annexation and redevelopment of the Property since 1991. Amendments to the Village Comprehensive Plan in 2013 provided that the Property is "*currently in the Town of Cazenovia, but Village zoning for VES should be developed to include [it] given[its] identification as candidates for annexation dating back to at least the 1991 Village Comprehensive Plan.*"

Under the Village Zoning Code, upon annexation, the Property will "automatically be classified and zoned as the same zoning district as the lands previously within the Village sharing a common boundary with the newly annexed lands". See Village Zoning Code § 180-13. As a result, the Property would be zoned VES-MU upon annexation. "*For a VES Zone, Mixed Use can be within the same building or in two separate buildings on the same site. Mixed Use may also be accomplished by providing for a complementary use on a separate parcel but within the VES Mixed Use Zone.*" Village Zoning Code, §180-9. The Design Guidelines have corresponding language:

"Mixed use can take many forms. . . . Mixed uses can be vertically integrated, such as a traditional residential over commercial, but may also be two distinct buildings and projects. The intent is to allow flexibility and creativity on the part of the developer rather than restrictive concepts that may actually discourage mixed use development."

Village Edge South Design Guidelines, pp. 11-12 (Feb. 3, 2014). The Project is proposing a mixed use redevelopment of the Property to include commercial uses on NYS Route 20 and multi-family residential uses set back off the highway. This is consistent with the Village Zoning Code and Design Guidelines.

In addition, with respect to redevelopment of the Property recommended for annexation, the 2013 Amendments noted

"Development within the VES zone should be driven by a conservation analysis of the site with emphasis on preserving elements previously identified as community priorities, including viewshed to the

southwest, maximizing greenspace while allowing economic development, promoting a "hard edge" that is also a welcoming gateway to the village and allowing recharge for the aquifer consistent with Appendix B (Wellhead Protection Plan)."

Similar language is found in the Village Zoning Code and the Design Guidelines.

The proposed redevelopment Project is consistent with overall purpose of the VES-MU zone. The Project design is intended to provide the hard "gateway" between the Village and the Town envisioned in the Comprehensive Plan and Design Guidelines. The Project also preserves the conservation area, has been designed to be protective of the aquifer and is intended to promote economic growth that is compatible with the Village character. The Project design promotes interconnectivity for vehicles and pedestrians, designed landscaping, a build-to-line and buildings that face the street.

18. Consistency with Community Character: "The proposed project is inconsistent with the existing community character."

Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, village, or city, and its visual landscape; but also includes the buildings and structures and their uses, the natural environment, activities, town services, and local policies that are in place. These combine to create a sense of place or character that defines the area. Changes to the type and intensity of land use, housing, public services, aesthetic quality, and to the balance between residential and commercial uses can all change community character. Most proposed actions will result in some change in community character.

The Board of Trustees concludes that the Project will not impact community character because the proposed redevelopment Project is intended to provide the "hard edge" to establish the Village "gateway" envisioned in the Comprehensive Plan, Zoning Code and Design Guidelines. Similar commercial uses are located directly across NYS Route 20 and several buildings in the Village of Cazenovia share similar design features including red brick and flat roofs.

DUNN & SGROMO ENGINEERS, PLLC

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Telephone (315) 449-4940 Facsimile (315) 449-4941

October 7, 2016

Kurt Wheeler, Mayor
Village of Cazenovia
90 Albany Street
Cazenovia, NY 13035

Re: Cazenovia Market (Aldi)
Job No. 181.017

Dear Kurt:

We are writing in response to the statement made in the September 29, 2016/Madison County GML for the above project that *"...the rules of the WPO would make it extremely difficult for engineered stormwater controls to preserve hydrologic conditions that closely resembles pre-development conditions."*

It is my opinion, as Village Engineer, that the specific stormwater management and groundwater protection requirements of the wellhead protection overlay zone, (as outlined in section 189-93 A(2) of the Village Code) can be met with implementation of green infrastructure technology, and proper design, construction, and maintenance, of the stormwater management practices on this project. Similarly the development of the adjacent hotel property, which is also in the WPO, was able to meet this criteria.

According to section 189-93 A(1) of the Village Code, 15% impervious cover in the WPO cannot be exceeded *".... except as permitted under 189-93 A(2)."*, which reads:

A(2) Impervious coverage may only exceed 15% of a single parent parcel or building site if a system of stormwater management and treatment is developed that results in the site's post-development annual stormwater recharge volume to groundwater approximating the site's pre-development annual groundwater recharge volume.

Such a system should also:

- *preserve hydrologic conditions that closely resemble predevelopment conditions;*
- *maintain or replicate the predevelopment hydrologic functions of storage, infiltration and groundwater recharge;*
- *prevent untreated discharges;*
- *reduce or prevent flooding by managing the peak discharges and volumes of runoff;*
- *minimize erosion and sedimentation;*
- *prevent degradation of water by reducing suspended solids and other pollutants;*
- *provide increased protection of sensitive natural resources.*

Kurt Wheeler, Mayor
Cazenovia Market (Aldi)

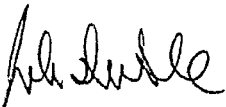
October 7, 2016
Page 2

In addition, sections 189-94 and 189-95 of the Village Code outline the specific requirements for Site Plan review and SWPPP preparation in the WPO.

I have reviewed these requirements with the developer's engineer, as noted in a previous e-mail (copy attached).

The current preliminary site plan on file with the Village does not depict all of the stormwater management components that will be needed to meet section 189-93 A(2). When a project layout has been finalized, and a SWPPP prepared, we can then conduct a thorough review of both for compliance with sections 189-94 and 189-95.

Sincerely,



John C. Dunkle, P.E., CPESC, CMS4S
Village of Cazenovia Engineer

JCD/mbs
Attachment

From: John Dunkle [mailto:jdunkle@dunnandsgromo.com]
Sent: Wednesday, June 01, 2016 10:58 AM
To: 'Bill Zupan'; 'Kurt Wheeler'; 'Rich Huftalen'; 'Anastasia'
Cc: 'John R. Langey'; 'James Stokes'; 'pondbottom@windstream.net'; 'Neal Zinsmeyer'
Subject: Town Center at Cazenovia

All:

I am writing to let you know I have met with the developer's engineer, Napierala Consulting, to discuss the Town center's conceptual stormwater management strategies within the Village's and Town's Wellhead Protection Overlay Zone.

Like the distillery and hotel projects that we have previously reviewed for the Town and Village, the stormwater design for the Town Center will need to incorporate groundwater recharge, water quality treatment, and peak flow mitigation practices in the design. Napierala has indicated an understanding of these requirements, and also noted that infiltration testing on the site confirms there is adequate soil permeability to facilitate storm water infiltration/groundwater recharge.

We conceptually discussed and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements.

The actual selection, design and location of these practices will need to be incorporated in a SWPPP, when a final site layout is established. That SWPPP will then be reviewed in detail for compliance with all state and local requirements, prior to any project approvals.

We recommend that one SWPPP be prepared for the whole project.

Sincerely,

John C. Dunkle, P.E. CPESC, CMS4S
Village of Cazenovia Engineer

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E. Syracuse, New York 13057
Telephone: (315) 449-4940

The Honorable Kurt Wheeler
Mayor, Village of Cazenovia
90 Albany Street
Cazenovia, New York 13035

Re: County GML

Dear Mayor Wheeler:

As a member of the EHH Committee and past Chairman of the Village of Cazenovia Planning Board, I was astounded after reading the nine-page GML report from Madison County regarding the proposed project that includes a new Aldi's grocery store. Section 239-m of the New York General Municipal Law does require the Village to obtain County approval when a project is within 500 feet of a State or County highway or on the edge of a Village boundary. Such action normally results in the county providing useful remarks to help the planning board through the site plan approval process.

Never during my six years as Chairman of the Planning Board did I ever receive anything comparable to the nine-page report submitted regarding the VES proposed development. Rather than helping, the county report appeared to be bent on raising doubts about every aspect of the project. The report basically provided someone's opinion and interpretation of the design guidelines prepared by the EHH committee. There was not one item that seemed to meet their approval. Having served on the EHH committee, our goals were to develop design standards to help and encourage development, not stifle it.

I believe the proposed project is fairly close to what the EHH committee had envisioned would result from our efforts. Surely everything cannot be accomplished at once but this project provides a good start and includes a significant amount of infrastructure that will be built and paid for by the developers that will benefit future projects.

The one positive aspect of the GML submittal is the drawings submitted later showing five alternative site plan configurations. These drawings helped explain some of the thinking behind the GML report. The ideas presented in Alternative #1 will surely help the Planning Board. Had alternate #1 been submitted along with a few specific recommendations, I do not believe anyone would have questioned the GML.

Very truly yours,

William R. Hall



Rich Huftalen, Chair
90 Albany Street
Cazenovia, NY 13035

Date 8/23/2016

Dear Rich,

Dan Kwasnowski, AICP
17 Highland Drive
Marcellus, New York 13108
T 315.459.1546
dan@appliedplanningllc.com
www.appliedplanningllc.com

Please find my initial review of the Cazenovia Market site plan review application with regard to the VES Design Guidelines and zoning. This application is a great opportunity to fulfill the ultimate vision for this zone. Unfortunately there is a fundamental and required aspect of the development as described in my report that needs to be overcome one way or the other before the application can move forward to a more detailed review by the Planning Board. The vision for this zone as developed for and articulated by the VES Design Guidelines and zoning law is sound development practice and in the best interest of the Village long term. However, it is possible that the limited market may not support the all of the investment the vision requires.

I hope that my report is clear, it was written as quickly as possible with lots of information coming in during the process and as you know under duress from my injury. Thank you for the opportunity to present and clarify the vision and intention of the design guidelines for this zone. Please let me know if there is anything else I can provide.

Sincerely,

Dan Kwasnowski, AICP



August 23, 2016

Village of Cazenovia, Cazenovia Market Application Review

The following is a review of The Cazenovia Market application for Site Plan Review submitted by Sphere Cazenovia LLC and New Venture Assets, LLC for consistency and compliance with the Design Guidelines and zoning law developed for the zone by Applied Planning LLC in 2013/14. This is not an exhaustive review of the project as proposed but rather identification of any key issues that would inhibit the ability of the project to move forward, and a general assessment of compliance, or ability to comply, with the design guidelines and supporting zoning law. Others have very eloquently submitted comments that detail any shortcomings of the project with respect to the law and local preference of the community. Also, because the development of zoning and design guidelines for this zone was a long process incorporating years of public input and refinement, the straightforward truncated language within those documents sometimes loses the intent and strong preferences of the community.

Overall Impression

Overall, it is clear that the applicants have read, understand and are willing to comply with the VES design guidelines to a high degree. However, some major planning goals of the design guidelines are not being achieved, and the overall vision for the area will not be achieved as the project is presented. It should be kept in mind that there are market realities to the investment developers are willing to make and that these realities may necessitate flexibility and accommodation of an altered vision. Ultimately it is up to the Planning Board to make those decisions. An assessment of each DG principle is presented below.

The Vision for the VES

Before discussion of the complying features and the shortcomings, it seems important to reiterate the overall vision and principles behind the design guidelines. The Vision in the DG is one where ultimately a street network will be built that orients future commercial development away from Route 20 and builds a strong commercial/mixed use neighborhood on Village Streets. The zoning supports this vision, but at the same time was intended to manage the possibility that the parcels included in this application may never be developed as new with a street network and the existing buildings may be repurposed. Accommodating this potential reality has created some ambiguity in the law, but not the DG. With that in mind a quick review of the Vision as described in the DG.

The purpose or "charge" to the committee that created the design guidelines was to:

...strike an effective balance between preserving its [VES zone] rural heritage and historic character while also fostering an environment that promotes economic health for the community... ...maintaining a pleasing gateway to the community and "hard edge" between character zones... ...create a win-win situation which would more effectively maintain and enhance the community's aesthetic character... ...[and] more opportunities for desirable economic development.



August 23, 2016

The idea being to allow for economic opportunity, building sizes and commercial and mixed use development that wasn't possible elsewhere in the Village and would be a continuation of Village character especially in the commercial area of the zone. The character of the area includes walkable compact development not characteristic of a suburb, but characteristic of the Village. This was the driving force behind the design guidelines and zoning for the VES and was supported by the community through the Visual Preference Survey and public comment.

During this process, a nationally renowned planner and author Randall G. Arendt was invited to review the area and give a talk and presentation on his impression of development scenarios. Mr. Arendt is the author of many high quality books that deal directly with development scenarios in rural villages and especially conservation design practices. His visit had a great impact on the public, especially regarding the appearance and nature of development along NYS Route 20. In what is probably his most infamous tome "Rural By Design" he goes to great lengths to compare and contrast conventional mid-century commercial development and the devastating impact it has had on communities character as well as function, and graphically represents alternative ways these areas could develop. Most importantly Arendt portrays those areas that insisted on protecting the scenic quality of their communities and the great results economically and environmentally they enjoyed because they did. By the way, he has gone on to create a second version of the book that features the work of a planner living in Cazenovia and the Principal of Applied Planning LLC.

In the end the differences in character and performance described in Arendt's books are well represented below between the proposed project and the vision that drove the creation of the VES design guidelines and supporting zoning and is a fundamental difference between sprawling commercial development along a road front that detracts from a community's character and the opportunity to create a lasting high value commercial district that will outlive the initial tenants, and add great value to the community over the long term.

Among anything else in the design guidelines two things stand out as the most important:

- Creation of a network of Village streets which development faces onto rather than Route 20 and,
- the creation of positive space on a human scale.

These are the two fundamental underpinnings of the Design Guidelines and zoning for the VES, and will prove to be the most challenging aspects of any application. If these two principles are adhered to, everything else will likely fall into place, from greenspace to architecture.

Design Guidelines

The application review is organized relative to five of six aspects of development in the VES Design Guidelines. The six aspects of development are described as:

- Land Use and Vision
- Street and Pedestrian Network



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- Design and Development Form
- Architecture
- Resource Protection and Conservation Analysis
- Implementation

Implementation will not be reviewed at this time.

Land Use and Vision

The principles of the VES vision are to create a place where:

- positive space is created when buildings and landscaping are arranged around and create public spaces on a human scale,
- walkable and bikeable neighborhoods are created, and connected,
- parks, green space, and green infrastructure are an integral part of the urban form, softening development and creating a more porous, less homogenous development pattern,
- off street parking facilities are subordinate to pedestrian facilities and will be marginalized to the rear or side of buildings and the impact of parking lots lessened with landscaping and buffers that incorporate green infrastructure and pedestrian amenities,
- landscaping standards integrate stormwater mitigation, street trees and gardens,
- development will use architectural styles that continue or complement the traditions found in the Village of Cazenovia.

The three principles of the vision underlined above are cases where the current proposal is not as compliant and consistent with the design guidelines as it could be with some changes to the plan. The other principles are generally complied with but may still need some refinement. However, the most important principle of creating a positive space on a human scale throughout the development is lacking simply by the orientation and spacing of the buildings. These shortcomings are more easily described relative to the more specific aspects of development described below.

Positive space describes the nature of the space created through development. Positive space is space that is limited in scope, or in simple terms is easily defined through the human experience. Comparing natural environments, positive space would be akin to being within a gorge, where the space being occupied is easily defined and inventoried. Negative space might be described as similar to standing in the middle of a field where the horizon is



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at a distance and the space is not easily defined or inventoried. Positive space is generally associated with being a human scale. Both have their place in design, and a mix of each is desirable in development. By the way, attractive positive space is conducive to increased economic activity. That is why main streets and malls look so similar from an abstract perspective.

In the DG this mix is sought to be achieved by combining positive space along sidewalks and pathways through landscaping and buildings, interspersed with negative space in the viewshed, protected areas, parks and stormwater facilities.

The application does the same in many areas but does not do quite enough to create positive spaces. For example, the paint on pavement walkway along D street is almost all negative space and not consistent with the intent of that street becoming a Village Street. Whereas a pathway along the west side of C street would have created a nice positive space with the landscaping and the building forming a street wall, and the exposed sidewalk on the east side of C street could use the bank/retail building fronting it more closely to create a positive space and better defined street wall.

The parking area between the grocery and pharmacy as presented will create positive space with the buildings and landscaping forming a nice sense of enclosure, with not too many parking aisles. The proposed curb cut with the depth of the vegetative buffer and pathway will make a nice break to the surrounding wall. The southern area is addressed below.

All things considered, the application does a good job of creating positive space on a human scale with only a handful of exceptions that are relatively easily addressed by:

- Align bank/retail to front along C street with an entrance from the sidewalk as required,
- Include a pathway along the western side of C street.
- Redesign of D Street as described below, or consider as a internal circulation with future connectivity to the Core Mixed Use area.
- Include a pathway along the stormwater facilities south of D Street.

Street and Pedestrian Network

Overall, the pattern and alignment of the Village street and pedestrian network complies very well with the DG with only a few improvements.

1. It is recommended that C street include a pedestrian path along the west side of the street connecting to the pathway along State Route 20.
2. The intersection of D and C street is oriented toward a parkway type of intersection. This should be a three-way stop with crosswalks. It is understood that a turning radius for semi trucks will need to be accommodated, but the design as it stands is too oriented toward the convenience of delivery rather than pedestrian safety and accommodation.
3. D street as presented in the application does not go far enough to meet the standard of creating a Village Street. Again, it is too oriented toward the accommodation of delivery rather than creating a positive space for pedestrians and a pleasing safe environment along the street. A continuous sidewalk connecting the entrances of the buildings along



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the street is needed. If D street is ultimately considered only as an internal drive, then the loading might be reworked to achieve this.

4. Parking number and orientation is mostly adequate. The size and number of spaces in the parking lots are good. Despite all the documentation and tables and numbers out there, it is a well known fact that there is no reliable or true standard beyond knowing that traditionally far too much parking has been required.

Further examination of the plans will reveal refinements necessary to finalize the site plan.

Design and Development Form

Below both the DG and to a limited extent the zoning will be discussed relative to the orientation of buildings and their entrances. The DG include this list among other general requirements, comments relative to the application are in italics:

In the eastern portion of the zone the buildings should be oriented in such a way as to provide a positive image on primarily the village streets (C and D).

- The primary vehicular entrance will be from the village street, C, and the parking may be located in part on the street or to the side or behind a building.

The application generally complies with this provision, even with the road cut on NYS Route 20.

- No parking should be proposed between any building and Route 20 nor the village street.

The application includes parking between the pharmacy and NYS Route 20 without any perceived need. Even if the zoning allows for this to be presented, it is still subject to Site Plan Review and should be removed because it is unnecessary.

- The building entrance should be oriented to pedestrians originating from the street sidewalk and the parking area.

This requirement is not complied with. The pharmacy and bank/retail does not have an entrance on any street. The grocery does, but it is not a Village Street as intended.

- Service and loading bays or berths will be discreet, screened and not be visible or overly so from any public space.

This provision is complied with.

- For the safety and effectiveness of the site, a secondary limited access entrance may be proposed along Route 20 with appropriate signage.

This provision is complied with.

- Corner lots, for all proposed village ROW, must be developed as a building site, or as a pocket park (either dedicated or as a future building lot). No parking may extend into the corner lots.

This provision is complied with.



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Building Frontage

The orientation of the entrance to buildings on a Village street is by far the largest divergence from the stated *intent* of the Design Guidelines and the requirements in the zoning code. The DG and the zoning try to do two things: accommodate single lot development/redevelopment along Route 20 in a reasonable manner and at the same time prepare for the creation of Village Streets. The current proposal is a very elaborate and significant investment and so allowances that are oriented to lot by lot development along the road should not be considered. This of course has created some opening for manipulation of the intent and meaning of the DG. The ultimate vision in this part of the VES may prove to costly for the market to bear and it is up to the Planning Board to determine the limits and impact of any proposed variation.

The general intent of the DG is to create a distinct streetscape on new streets C and D. That is, that the buildings "primary entrances" meaning their front doors, would be oriented on these Village streets, and associated sidewalk as well as the parking lot. This necessitates a corner entrance that would both serve D street and the parking area (and/or C street depending on the proposal). The main idea being that a sense of place would be created that is calmer, away from State Route 20, and friendlier to pedestrians. Which by the way is more conducive to economic activity, and walking between buildings.

Why?

Route 20 is completely inappropriately designed for a Village environment. It is simply too wide and too fast to orient development along. Route 20 is not a Village Street by any definition and the use of the term Village Street in the zoning and DG in no way includes State Route 20. Unfortunately the nature of Route 20 in this area is unlikely to change in a reasonable timeframe. It was not the intent of the Design Guidelines to include Route 20 as a Village Street, as it is a State Route. The two terms are distinctive on purpose. This was part of the rationale behind creating a meandering path along Route 20 with a significant buffer that would be more attractive in such an environment and eventually more inviting to cyclists and pedestrians especially in the long term.

Street D is intended to eventually create a continuous and walkable commercial or mixed use district from the Mixed Use Core area described in the DG. The idea being to make it easy for people to walk or drive from the hotel and future development in the Mixed Use Core area and the residential area to the south, including the anticipated multi family component of the current proposal.

Specific shortcomings of the application.

- The pharmacy is located in an island of parking and does not front at all on a Village Street let alone have the primary entrance on a Village Street sidewalk. In fact, it could be argued it doesn't front on any street at all.
- The grocery does have a primary entrance and sidewalk and park that are located on the linear park along State Route 20 and the parking lot. However, State Route 20 was never intended to be considered a Village Street.



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- The bank/retail building does not seem to front on any street, let alone a Village Street.

The Remedy

It appears that the remedy is straightforward. Mirror the grocery and pharmacy buildings on a north/south axis so that the corner entrance is on Village Street D, and the drive through for the pharmacy, and loading area for the grocery located along State Route 20 with adequate screening and the pathway. Architecturally, this should not be an issue as it would be the orientation of the buildings if they were fronting on State Route 20 on the road's north side.

The bank/retail building should be placed in such a way to use a pedestrian entrance on C Street as the front of the building, with parking and drive through in the rear.

The DGs and the Zoning Code both require buildings face a Village Street and Route 20 was intended to be considered a Village Street. The applicant has made a legal argument in the narrative supplied with the drawings that would consider Route 20 a Street in the Village and so allowed. This is a legal issue, and the purpose of this report is to communicate the intent of the Design Guidelines and law as it was developed.

The Design Guidelines include this specific language:

"In the eastern portion of the zone the buildings should be oriented in such a way as to provide a positive image on primarily the village streets (C and D).

- The primary vehicular entrance will be from the village street, C, and the parking may be located in part on the street or to the side or behind a building.
- No parking should be proposed between any building and Route 20 nor the village street.
- The building entrance should be oriented to pedestrians originating from the street sidewalk and the parking area.

Note: this entrance refers to the entrance of the building.

- Service and loading bays or berths will be discreet, screened and not be visible or overly so from any public space.
- For the safety and effectiveness of the site, a secondary limited access entrance may be proposed along Route 20 with appropriate signage.
- Corner lots, for all proposed village ROW, must be developed as a building site, or as a pocket park (either dedicated or as a future building lot). No parking may extend into the corner lots.

And in the Zoning Law:

Section 180-63 Design Guidelines and Standards (VES-MU)

C. Building and architectural detail.



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1. The front of all principal buildings on new blocks or streets shall be aligned along a "build-to line," which is a line parallel to the front lot line and set back a fixed distance. The build-to line shall be established at the time of site plan review, consistent with the VES Design Guidelines. The build-to line shall form the street wall, and 40% of a building's front facade must meet the line.

The build-to line can and should be proposed by the developer, but must be approved by the Planning Board. The confusion here might be that the applicant is considering the building to front on State Route 20 which it assert is a Village Street which it isn't and was not the intent. Because it is proposed on a future Village Street it is supposed to front that street, and it's building primary entrance must be located on that street. The intention was for the Build-To to be located along streets D and C. This part of the law specifically states "on NEW blocks or streets" not existing.

2. Up to 20% of the building may be set back if the space between the build-to line and the building is public space.
3. Except for new buildings with a building footprint of less than 5,000 square feet, all new buildings and major additions must be between two and three stories tall and at least 20 feet tall at the front facade. A fourth story may be approved by special use permit.
4. All buildings must be designed in compliance with the VES Design Guidelines and other applicable architectural requirements in the Village.
5. All buildings must utilize entrances on the front of the building at the build-to line that open toward the sidewalk and/or make a direct connection between the entrance and the sidewalk.

Neither the pharmacy nor the grocery meet this provision. Because the build to line is intended to form the street wall of a new Village Street, the entrance and thereby the front of the building must be on that Village Street.

6. First-floor facades should include a minimum of fifty-percent glass, while upper floors should have between fifteen-percent and forty-percent glass.
7. Glass area is measured per facade as inclusive of muntin and sash and exclusive of casings.
8. Heating, ventilation, and air-conditioning equipment on the roof shall not be visible from the street.
9. No loading zones or blank facades may front on a Village street. No building should have more than 15 horizontal feet of wall without a window or door.

The buildings as proposed do not meet this provision of the law.

And,
§ 180-63



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E. Route 20 special restrictions. Development occurring along Route 20 in the VES Mixed Use Zone is subject to the following special restrictions in accordance with the VES Design Guidelines:

1. Buildings fronting on Route 20 shall be located no greater than 65 feet from the Route 20 right-of-way line.

This provision was included in order to provide a means of developing an individual lot along Route 20 without any of the new streets. Those future streets would still be considered in review of the project, but it allows for an individual project to be constructed or redeveloped with a simple curb cut. It is not applicable to development proposing new streets.

2. Buildings located on a corner created by a Village street shall be considered to front on the Village street.

This provision of the law is intended to ensure that buildings located on a corner will front, that is the front door or primary entrance, will be on the Village Street. Route 20 is not a Village Street.

3. There shall be no parking between any building and Route 20. Accessory driveways for internal circulation and delivery may be located within this setback.

This clear provision allows for drives and delivery between the pathway and the building.

4. All proposed development along Route 20 must include a significantly landscaped and contoured buffer that includes the proposed pathway in the VES Design Guidelines.

5. Primary entrances to development shall be located on Village streets. These are prohibited along Route 20.

The Primary entrance is the entrance to the stores not the curb cut which is treated separately. This provision is indicating that the front door has to be on a Village Street. Route 20 was specifically not intended to be considered a Village Street. As proposed the application does not comply with this provision of the Code.

Redevelopment

One area that is confusing is the relief allowances for redevelopment. The current proposal is certainly a redevelopment as it is developing on a site that is currently developed where the grocery, parking and pharmacy are proposed. The intent was to allow for existing parking spots to remain in place if the existing building were to be reused or redeveloped/reused. The intent was not to generally allow for the same pattern, which would work against the DGs, or a numerical retention of parking spaces that occurred between an existing building and Route 20 for a completely new development. Requirements as written would apply to any Redevelopment project, with parking subject to Site Plan Review/Planning Board approval.

Zoning § 180-63

F. Special exceptions for redevelopment projects. Redevelopment projects, per parcel, shall be given the following relief in order to encourage redevelopment of existing sites:

1. Curb cuts. Existing development may, as part of site plan review, retain one existing curb cut along Route 20 subject to NYS DOT approval. Other curb cuts must be removed.

This provision was intended to apply to proposals pertaining to existing development as they are arranged, but require the elimination of multiple curb cuts. Subsection 1 clearly states



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"Existing development may..." Which would indicate that new development may not. However, since the current application is generally considered a redevelopment it would seem to apply to those projects according to the first paragraph. The confusion here is created by the seemingly interchangeable use of the words "per parcel," "existing sites," and "existing development." In the end, relief as described in subsection 1. may be used "as part of site plan review" meaning the Planning Board may not allow the relief without good reason. However the applicant is allowed to propose it and the application largely does comply with the intent.

2. Parking. Subject to site plan review, very limited parking may be retained in areas restricted by this section on redevelopment sites but must be effectively screened from Route 20 by vegetation.

Like #1 this provision was intended to apply to redevelopment of the existing sites as they are arranged. However, since the current application is likely to be considered a redevelopment as indicated in the application, it would seem to apply to those proposed buildings. However, this provision is also subject to Site Plan Review meaning that the Planning Board has the option to deny the relief if not justified.

Resource Protection and Conservation Analysis

Generally, the application does a good job of avoiding conservation areas (the ravine) and buffering development along Route 20 to create a pleasing green site that should blend into the landscape well.

One area of concern is that the DG suggest using green infrastructure to reduce the need for "end of pipe" solutions to stormwater management. End of pipe approaches tend to use up land that could otherwise be developed or used as an open space resource. They also place increased long term costs to both the developer and the municipality. The proposal is required to have a significant amount of green space (50%) as well as landscaped islands in the parking areas. It would be beneficial to the project and the long term cost of maintaining the facilities if some of the pedestrian and green space were designed in such a way as to incorporate green infrastructure that might reduce the size of the inevitable end of pipe facilities, or the frequency of maintenance.

Conclusion

The application as presented goes a long way toward fulfilling the vision presented in the VES DG. However the fundamental difference of buildings fronting on the state highway versus a new village street network has to be resolved before further detailed review. At the least because it is, or was intended to be, required in the zoning and the Design Guidelines, but maybe more importantly because they are a representation of the community's preference. That being said, it is entirely possible that the market just doesn't support that level of investment which is a reality in a rural village. It is up to the Planning Board and the community to decide what is worth bending on and what isn't and zoning laws and procedures reflect the need and ability to do just that.

The key components of the application that generally comply with the Design Guidelines are:



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1. The Route 20 linear pathway and vegetated buffer to development.
2. The Road and Pedestrian network and interconnectivity is generally laid out correctly with some minor improvements needed.
3. Minimal parking is presented in a reasonably pleasant environment.
4. Effective screening, berms, and porosity of development lending to a transition area between rural and village is presented.
5. Multi-use is achieved with the multi-family development and a mix of larger buildings (pharmacy and grocery), and smaller retail and service buildings (bank/retail building).

The shortcomings, or areas of non-compliance are:

1. Buildings not fronting/primary entrance on a Village Street as intended in both the design guidelines and the zoning code.
2. Parking located between a building and State Route 20.
3. Network of Village Streets and Complete Pedestrian Network.



Rich Huftalen, Chair
90 Albany Street
Cazenovia, NY 13035

Date 9/09/2016

Dear Rich,

I have reviewed a revised plan following the meeting held on August 23rd with regard to the Design Guidelines provided by the applicant for the Cazenovia Market.

Dan Kwasnowski, AICP
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The applicant has made significant progress toward meeting the intent and specific requirements of the Design Guidelines with these revisions. The specific changes that improve compliance are the orientation of the bank/retail building to "C" street and the reorganization of the parking area, the removal of parking between the Retail 1 building and Route 20, and especially the connection between the entrance of the Retail 2 building and Village Street "C" which is discussed below.

Positive Image

The Design Guidelines indicate that: "buildings should be oriented in such a way as to provide a positive image on primarily the Village Streets ("C" and "D") and building entrances "be oriented to pedestrians originating from the street sidewalk and the parking areas." The previous submission did not include a sidewalk or pathway on the eastern side of Retail 2, nor a positive image on C or D streets. With the addition of the pathway along the east side of Retail 2, and the sidewalk connection between the entrance and the pathway and C street, they have made significant progress toward making that positive image and pedestrian connection on Street C. The Planning Board is encouraged to work with the applicant to make further refinements to this connection to make it as inviting and visible as possible to satisfy that this requirement has been met. This will be dependent upon more detailed architectural plans, with windows etc.

Retail 1 and the same issue of a "positive image on primarily the Village Streets" is a slightly more difficult situation. The drive proposed between

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the building and Route 20 is in compliance, and an improvement over parking in the front. Further, the drive-thru on the south side of the building is compliant, but the small parking area is not with regard to internal drive D which is intended to eventually be a Village Street and discussed separately below. It is important to consider that the entrance to Retail 1 should correspond to the entrance of Retail 2 as the pathway now becomes the primary pedestrian access to the buildings. This is technically compliant with the zoning and design guidelines as presented, as there is a positive connection to the pathway. Again, like Retail 2, the architectural details and in this case the crosswalk should be refined to create a welcoming and accommodating entrance. Because this is a redevelopment site, and there is no other alternative to front on a Village Street, this is the next best alternative that the zoning and design guidelines anticipated.

Crosswalks and Traffic Calming

The revised plan adds crosswalks in key places, especially the intersection of C and D streets. This should be completed to show crosswalks across C street at the intersection with D with signage and other items to provide traffic calming. A crosswalk should be added from the Retail 3/4 to the pathway on the east side including bulb-outs and signage to shorten the distance and provide traffic calming as indicated in the Design Guidelines. The current design is all about speed and goes against the intent of the Design Guidelines. The turning radii from C onto D is still overkill and adds to this effect.

It would be preferable if the Retail 4 drive-thru and travel lane exiting onto C were one-way out, which would also simplify the drive-thru construction.

Parking and Stormwater

The Site Plan does not show any accommodation for bicycle parking. Section 180-63.D.e requires the Site Plan show the location of bike parking facilities. Each proposed building should include an area, preferably covered, for bicycle parking. A simple "comb" style rack is usually best. No "S" style racks. They don't really work.

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The sidewalk through the parking area is decent. The vegetated islands are somewhat too spaced out, and do not appear to incorporate any stormwater features. These features could be included to enhance the sidewalk and provide some protection and prevent cars from encroaching on the walkway. The 18 spaces between Internal Drive D and the Retail 1 drive-thru could present an opportunity. The opportunity could be a compromise for allowing them between the drive and the building but requiring that they are permeable pavers that are vegetated, and create a filter. Or, alternatively if they are deemed not allowed, then to incorporate a stormwater management feature here. This also may be a more preferable location for a dumpster. The parking at this location, with regard to number of spaces, seems gratuitous.

An alternative dumpster location for Retail 1 should be identified as the currently indicated location would not be acceptable when the internal drive D is connected through to the other commercial area. Also, the dumpster pad and screening, if it stays in the proposed location, should be lower than the ground surface and drainage and other materials not allowed to drain into the stormwater area directly.

Details of the stormwater areas should be considered with regard to their inevitable utility as a "park" and the future disposition of the conservation area.

Without more detail, the architectural aspects of the project cannot be fully evaluated.

Let me know if you have any questions about this review. If there is anything I can further provide let me know.

Sincerely,



Dan Kwasnowski, AICP

9/9/2016 via email:

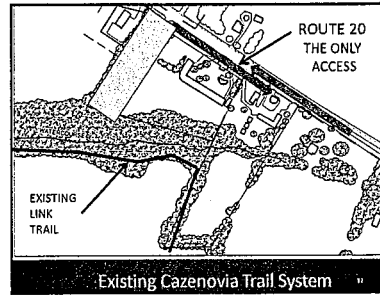
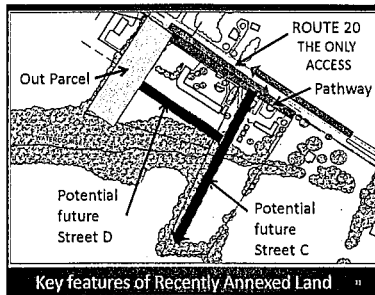
I was just looking and saw the bike racks. Scratch that part.

Daniel Kwasnowski, AICP
dan@appliedplanningllc.com
315 459 1546

**Third
Zone Requirements for Site**

Primary planning features to be considered for the recently annexed east lands include:

- Establishment of basic Linear Park (pathway)
- Establish configuration for street to south ("C")
- Establish configuration for east-west street ("D")



Zoning goals/requirements VES-MU zone

- Provide rights-of-way for future streets "C" and "D"
- Establish 30'-40' linear park (pathway) along route 20
- Protect the wooded ravine as conservation area
- Set aside 50% of the property in usable Green Space
- Site development to consider future Village streets

Applicant desires/needs

- Develop site plan with reduced and shared parking
- Provide functioning patron access and service areas
- Provide drive through system for drug store
- Meet client goals for project

Village Requirements (site and aquifer zone)

- Create plan that establishes strong Village character
- Develop multiple pathways within stormwater control plan
- Create stormwater management that fits a Village site
- Limit development uses to those with acceptable traffic

Note: during early discussions with Village the property owner (applicant) mentioned a willingness to provide for a section of street "C" as part of a proposed development.

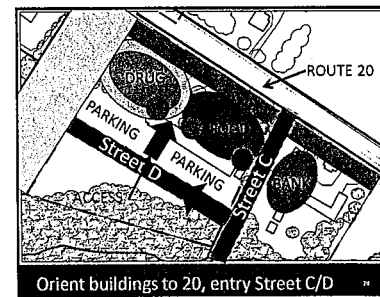
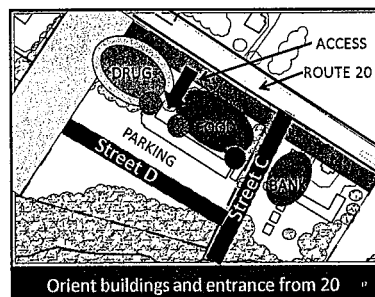
Note: As site planning has progressed the original potential street "C" alignment has moved to the east to avoid a sensitive section of the wooded central ravine and its watercourse as well as to support the features of the proposed site plan.

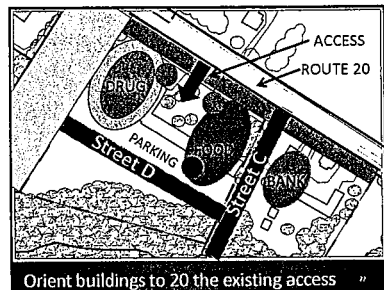
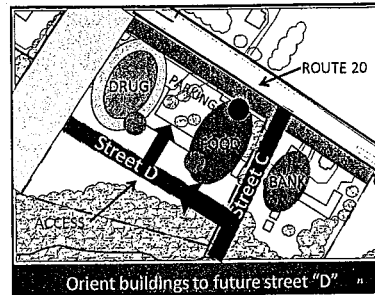
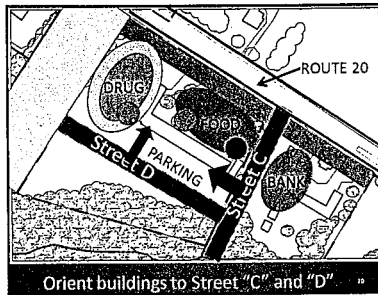
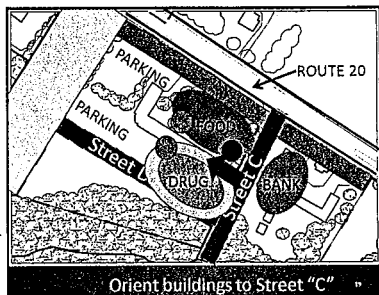
CACC Conclusion

Establishment of the alignment for street "C" provides significant value for the Village when considering the potential future development in the southeast village area

**Fourth
Site Plan Considerations**

CACC REVIEW
Reviewed Applicant's Submitted Plan
Evaluated Several Development Options

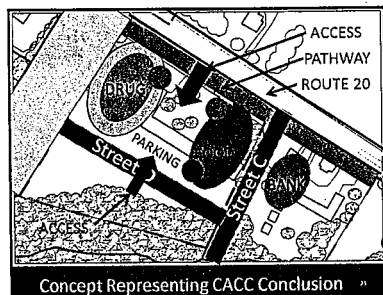




CACC review of the various alternate development plans focused on safety, practicality, constructability, function and sustainability. The applicant's proposed entrance denoted into the parking area between the two main buildings provides several benefits including future safety of traffic ingress/egress for street "C" to residential areas. Looking well into the future if connected to South Meadow and other lands to the south, the ability to segregate the commercial traffic flow from residential for ingress/egress to route 20 is desirable. Queuing on Street "C" alone could create safety issues.

CACC Conclusion

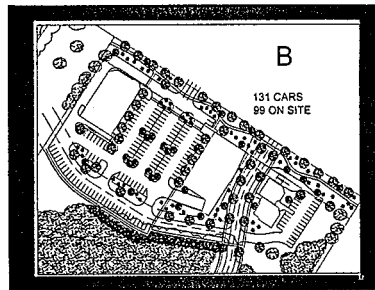
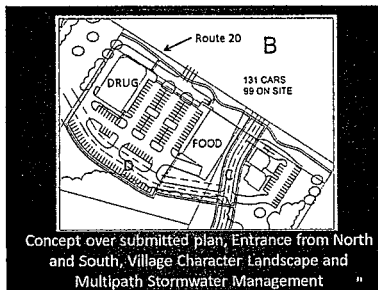
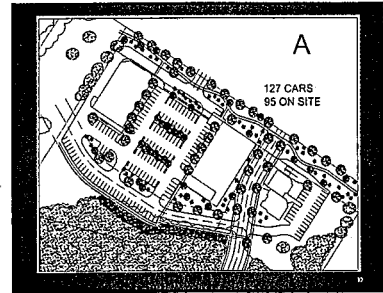
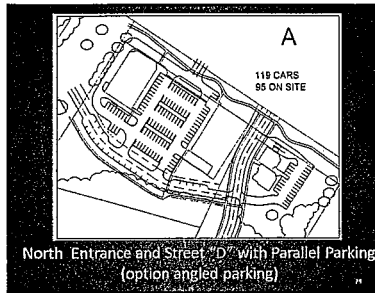
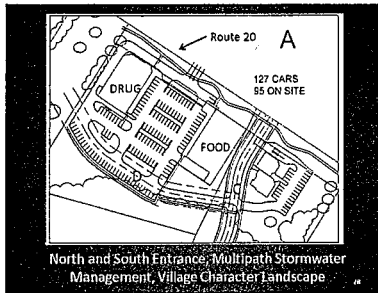
- Applicant's proposed building locations and requested access functions now and for some time in the future.
- Street "C" configuration as proposed should be established as part of the basic development site plan
- Access from a future street "D" should be considered and planned now to function when southeast section of Village develops
- Street "D" can function as part of a parking lot until cross street toward west can be installed



CACC Key Stormwater Control Concern

- CACC opinion: proposed site plan has not measurably changed or improved for stormwater runoff control in the Village potable water aquifer zone from the date of land annexation.
- CACC considers engineering approach a basic "end of pipe" system with runoff dumped from collection points and piping into two basins
- CACC recommends Planning Board request the applicant to reconfigure the site plan with a stormwater management system that applies a number of multiple pathways (best way for infiltration)

CACC REVIEW
developed suggestions for consideration
Site Concepts Displayed

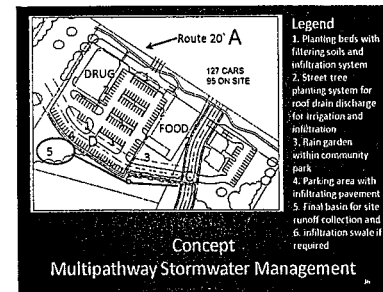
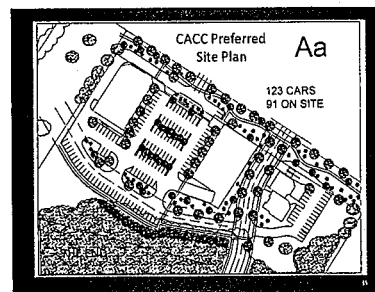


CACC CONCLUSION 1
 Site design good for buildings and access but applicant's plans considered deficient

- Pathway (linear park) compromised
- No viable set up for Streets "C" and "D"
- Highway not Village character displayed
- 50% Green Space not fully documented
- End of pipe stormwater management
- Required tree inventory not fully provided
- Reduced parking spaces not fully justified
- Planting plan minimal and weak at best
- No woodland disturbance restoration

CACC CONCLUSION 2
 An approvable site plan should have:

- Pathway (linear park) with entry landscape
- Set up for or built Streets "C" and "D"
- 50% set aside of meaningful Green Space
- Multipathway stormwater management
- Site Access from both north and south
- Reduced number of parking spaces
- Village character for parking court
- Restoration of woodland disturbance



Dear Mr. Huftalen and members of the Cazenovia Village Planning Board,

22 Sept 2016

Thank you all for your deliberate and conscientious review of the application for redevelopment of the eastern portion of the VES zone. The project has clearly been refined and improved under the Planning Board's guidance and the community will be well-served by your diligence.

I wanted to follow up on one of the key issues raised during your 12 Sept public hearing with greater depth and clarity than was feasible during the verbal comment phase. Of the three major shortcomings noted in Applied Planning's 23 Aug report, the applicant has made "significant progress toward meeting the intent and specific requirements of the Design Guidelines" with the revisions which were made at your request according to Mr. Kwasnowski's update of 9 Sept.

As the originator and chairman of the Economic Health and Heritage (EHH) Committee and person most directly involved in the final editing process of the VES DG and zoning which was ultimately passed by the village board, I wanted to clarify our intent with regard to one remaining issue; the orientation of buildings located directly on Route 20.

The intent of the committee with regard to buildings in the heart (interior) of the VES-MU Core area is clear:

Mixed Use Core Area ("1")

Buildings in the Mixed Use Core Area ("1") should front onto a Village street, not Route 20, in relatively close proportion forming a street wall

In this area, the depth of the zone would allow fully functioning streets to be constructed with the possibility for buildings on both sides of the street. The language in this area is clear and unequivocal.

As noted by Mr. Ferlow in his CACC report on 12 Sept, the committee recognized that parcels located on the eastern edge of the zone would present unique challenges due to their narrow depth and the desire to preserve the wooded watercourse area at the back of the parcel. In recognition of the unique nature of this part of the zone, Mr. Kwasnoski and Mr. Ferlow met directly with the owner of the property and his engineer to better understand how these parcels might ultimately be redeveloped. Based on their conversations, Mr. Ferlow created a number of hypothetical build-out scenarios which were reviewed by the committee. These conceptual drawings are very similar to the general layout being considered now. In recognition of the realities of this area, we consciously amended the language for the VES-MU East zone to recognize and account for them:

Mixed Use East ("3")

In this area, the sites for development are constrained by the proximity to Route 20, a designated Scenic Byway, and to the ravine, creating specific design challenges as well as opportunities. These parcels are redevelopment opportunities which also provide special challenges.

In the eastern portion of the zone the buildings should be oriented in such a way as to provide a positive image on primarily the Village streets ("C" and "D").

We could have easily used the same language as the core area ("should front onto a Village Street"), instead we consciously chose language which would provide more flexibility ("positive image") in recognition that a street in this area would most likely not have buildings on both sides and would never have the potential for the full streetscape character that might be feasible in the core area. A site visit to the western starting point of what may become "Street D" proves this point. The street originates at the back of the hotel (adjacent to its trash enclosure and emergency generator) and passes along the back of the CAVAC building (which is oriented toward Route 20). To require a different standard in the eastern part of the zone than already exists in the core area is not consistent with either the language or intent of the Design Guidelines. The intent for

Street D and its associated sidewalk is to create vehicular and pedestrian connectivity within the zone. I believe that intent has been satisfied.

Most importantly, the Design Guidelines function within, and in the context of, the zoning passed by the Village Board. The intent of the zoning was to create a character similar to the rest of Route 20/Albany Street/Nelson Street in the village, with buildings in close proximity to, and fronting on, the main thoroughfare passing through the village:

E. Route 20 Special Restrictions. Development occurring along Route 20 in the VES Mixed Use Zone is subject to the following special restrictions in accordance with the VES Design Guidelines:

- 1) Buildings fronting on Route 20 shall be located no greater than 65 feet from the Route 20 right of way line.

I can say unequivocally that it was never the intent of the EHH committee to require a building fronting on Route 20 to have its back facing Route 20. That outcome would not be in the public interest.

In closing, I would like to reinforce the intent of the Design Guidelines:

Design Guidelines:

The design guidelines create a foundation for development that will result in fulfilling the community vision for the VES zone. However, these design guidelines are recommendations and do not and cannot address every issue associated with development within this zone. These design guidelines leave room for designers to focus on buildings, layout, parking, stormwater management and other technical features. They also encourage developers to be creative in how they solve problems and address issues. The design guidelines are a communication tool to achieve a mutually desired result.

They were not intended to be a narrow checklist, but to communicate a broad intent that would serve the public interest. We have before us an application which satisfies an overwhelming percentage of our goals for the zone, including the linear park and sidewalk along Route 20, preservation of more than 50% greenspace on the involved parcels, vehicular and pedestrian interconnectivity within the zone, redevelopment of existing commercial parcels (versus greenfield development), enhancement of the “hard edge” as one enters the village, a dramatic improvement over the current conditions on the site, a significant addition to the local tax base and the addition of a respected international retailer to our community that will bring a significant number of new visitors and shoppers to our local economy.

While much of our attention has been focused on the portion of the project located adjacent to Route 20, I believe the residential portion and its associated “Street C” are of equal importance to the community. This component has the potential to add a new element to our housing market which does not currently exist, serving the needs of our senior population and of young families who may desire to move to Cazenovia. Maintaining demographic vitality is essential to our community and especially our schools. The construction of “Street C” and other essential infrastructure will also help to fulfill a long-term vision for increased interconnectivity within the southeastern quadrant of the village and enable the full potential of the VES zone.

I hope this context is helpful as you continue to consider the application. If I can be of service in any way to assist you in the process, please do not hesitate to contact me.

Very Sincerely,

Kurt Wheeler
Village of Cazenovia Mayor
Former Chairman of Comp Plan and EHH Committees